REMARKS

This application has been reviewed in light of the Office Action mailed October 14, 2005. Reconsideration of this application in view of the below remarks is respectfully requested. Claims 4 and 6 – 8 are pending in the application with Claims 4 and 6 – 8 being in independent form.

I. Rejection of Claims 4 and 6 – 8 Under 35 U.S.C. §103(a)

Claims 4 and 6 – 8 are rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 6,674,873 issued to Donescu et al. in view of U.S. Patent No. 6,421,445 issued to Jenson et al. In response, Applicant respectfully traverses the rejection of Claims 4 and 6 – 8 for at least the following reasons.

The Examiner cites col. 13, lines 25-46 and col. 5, line 66 to col. 6, line 6 of Donescu et al. as disclosing Applicant's claimed "insertion information memorizing means." However, Applicant's insertion information memorizing means is clearly defined as a memory means that is disposed for identifying which one of the plurality of available watermarks is to be inserted at a particular pixel block. The insertion information memorizing means is divided into (A×B) information blocks, which correspond to (Y×Z) pixel blocks. Each block of the information blocks contains an identifier representing a particular one of the plurality of stored watermarks that is to be inserted into the pixel block corresponding to that information block. (See: Applicant's para. 0078).

The cited portions of Donescu et al. do not appear to disclose any such "insertion information memorizing means" as defined by the present disclosure. Further, Donescu et al., in totality, does not disclose the above-identified functional means.

Additionally, the Examiner has conceded that Donescu et al. fails to disclose accumulating statistical similarities for a predetermined time interval to produce an accumulation value. Jenson et al. is cited as disclosing this accumulation of statistical similarity. However, Jenson et al. does not disclose or suggest accumulating statistical similarities calculated between stored watermarks and extracted watermark data for a predetermined time interval as recited in Applicant's claims. (See: Applicant's para. 0097-0100). Rather, Jenson et al. specifically discloses a comparison value, computed from non-code bearing (i.e., non-watermarked) audio signals and other noise, being compared against one or more portions of an encoded audio signal. (See: Jenson et al. col. 29, lines 38-50).

Further, one skilled in the art would not look to combine Jenson et al. with Donescu et al. in order to solve the above-identified deficiencies in Donescu et al., as Jenson et al. is directed towards audio signals while Donescu et al. and Applicant's present invention are concerned with image data watermarking.

Therefore, for at least the reasons given above, Claims 4 and 6-8 are believed to be patentably distinct and allowable over the cited prior art references. Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to Claims 4 and 6 – 8 under 35 U.S.C. § 103(a) over Donescu et al. in view of Jenson et al.

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CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 4 and 6 – 8 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,

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